

IN RE: PETITION FOR VARIANCE
SW/Corner Trumpet Court and
Cedarside Drive
(2 Trumpet Court)
11th Election District
5th Councilmanic District
Cedarside Farm Joint Venture
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-151-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Cedarside Farm Joint Venture, by Kim Strutt, and the Contract Purchaser, Landcon, Inc., by Richard M. Yaffe, President. The Petitioners seek relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)), to permit a building to building distance of 16 feet in lieu of the required 30 feet for building heights of 25 to 30 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Steven Rosen, Esquire, and Richard Matz, Professional Engineer. Appearing as an interested party was Greg Sanford, an adjoining property owner. There were no Protestants.

Testimony indicated that the subject property, known as 2 Trumpet Court, consists of 0.186 acres, more or less zoned D.R. 5.5 and is currently unimproved. The Petitioner has entered into a contract to develop the property with a single family dwelling in accordance with Petitioner's Exhibit 1. However, due to the irregular shape of the lot and its location on a curve, the relief requested is necessary in order to build a home compatible with other homes in the neighborhood and meet the needs of the prospective buyer. Testimony revealed that there were apparently other

styles of dwellings that the builder could construct on this lot but that the subject dwelling was the most suitable.

Mr. Greg Sanford testified that he resides on the adjoining property known as 4 Trumpet Court. Mr Sanford is concerned about the close proximity of the proposed dwelling to his home.

At the close of the hearing, the Engineer for the Petitioner agreed to reconfigure the proposed dwelling and revise the site plan accordingly in an effort to address the concerns raised by Mr. Sanford. By letter dated January 5, 1993, Mr. Matz resubmitted the site plan, last revised December 6, 1993. The revised site plan depicts the new building envelope and amended variance request. The new plan takes into consideration the concerns raised by Mr. Sanford and was approved by him as evidenced by a signed copy submitted to the file.

As noted above, the Petitioner now seeks a modification of the relief requested. In lieu of a distance between buildings of 16 feet, the Petitioner now seeks a variance to permit a distance of 27 feet between the proposed dwelling and the existing dwelling on the adjoining property. In addition, the Petitioner seeks relief from Sections V.B.9, V.B.6.a and V.B.6.b of the C.M.D.P. to permit a setback of 10 feet in lieu of the required 25 feet each from an existing street right-of-way, from a window to street right-of-way, and from a window to property line. The modified relief sought is depicted on the revised site plan dated December 6, 1993.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the modified variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of January, 1994 that the Petition for Variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), (Section V.B.1 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a building to building distance of 27 feet in lieu of the required 30 feet for building heights of 25 feet to 30 feet

for a proposed dwelling, in accordance with the revised site plan dated December 6, 1993, be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that a variance from Sections V.B.9, V.B.6.a and V.B.6.b of the C.M.D.P. to permit a setback of 10 feet in lieu of the required 25 feet each from an existing street right-of-way, a window to street right-of-way, and a window to property line, in accordance with the revised site plan dated December 6, 1993, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 60-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/5/94
By bp

ORDER RECEIVED FOR FILING
Date 1/5/94
By bp

ORDER RECEIVED FOR FILING
Date 1/5/94
By bp

ORDER RECEIVED FOR FILING
Date 1/5/94
By bp

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 5, 1994

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
8826 Orchard Tree Lane
Baltimore, Maryland 21286

RE: PETITION FOR VARIANCE
W/S Symphony Woods Court, 130' N of the c/l of Cedarside Farm
(4 Symphony Woods Court)
11th Election District - 5th Councilmanic District
Cedarside Farm Joint Venture - Petitioner
Case No. 94-150-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Richard E. Matz
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Mr. Greg Sanford
4 Trumpet Court, Baltimore, Md. 21236

People's Counsel: file

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at **#2 TRUMPET COURT**
94-151-A which is presently zoned **PR 5.5**

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.6 (V.B.3) CNDP TO PERMIT A BUILDING TO BUILDING DISTANCE OF 16 FT. IN LIEU OF THE REQUIRED 30 FT. DISTANCE FOR BUILDING HEIGHTS OF 25' TO 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) THE IRREGULAR SHAPE OF THIS LOT CREATES PRACTICAL DIFFICULTY IN PLACING A HOUSE WHICH IS COMPATIBLE WITH THE OTHER HOUSES IN THE SUBDIVISION WHILE MEETING THE REQUIREMENTS OF THE REGULATIONS.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
LANDCON, INC.
(Type or Print Name)
Richard M. Yaffe
RICHARD M. YAFFE, PRES.
8826 ORCHARD TREE LANE
Address

BALTIMORE MD 21286
City State Zipcode

Signature for Petitioner
STEVEN M. ROSEN
Address
ABRAMOFF, NEUBERGER & LINDER

250 W. PRATT ST. 539-8300
Address Phone No.

BALTIMORE MD 21201
Address State Zipcode

Legal Owner(s)
CEDARSIDE FARM JOINT VENTURE
(Type or Print Name)
Kim Strutt
Signature
KIM STRUTT
(Type or Print Name)

Address
54 SCOTT ADAM ROAD, SUITE 101

HUNT VALLEY MD 208-221030
Address State Zipcode

City State Zipcode
RICHARD E. MATZ

Address
3723 OLD COURT RD. #206 653-3838

Address State Zipcode
OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING
on the following date: 1/13/94 Next Two Months

ALL OTHER
RECEIVED BY R.E. DATE 1-30-94

ITEM #

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
FAX: (410) 653-7953

94-151-A

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE WEST SIDE OF TRUMPET COURT WHICH IS 50 FEET WIDE AT THE SOUTHWEST CORNER OF CEDARSIDE DRIVE AND TRUMPET COURT, BEING LOT 11 IN THE SUBDIVISION OF CEDARSIDE FARM AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #60 FOLIO 136 CONTAINING 8174.2 SQ. FT. OR 0.1876 ACRES. ALSO KNOWN AS #2 TRUMPET COURT AND LOCATED IN THE 11TH ELECTION DISTRICT.

CEDAR11.ZON



ITEM #147

CIVIL ENGINEERS • LAND SURVEYORS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 1/5/94
Posted for: 94-151-A
Petitioner: Cedarside Farm Joint Venture
Location of property: 2 Trumpet Court, Baltimore, Maryland
Location of Sign: 3723 Old Court Road, Suite 206, Baltimore, Maryland
Remarks:
Posted by: Timothy M. Kotroco Date of return: 1/13/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/21/93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21/93

THE JEFFERSONIAN,

A. Henricson
LEGAL AD. TOWSON

receipt

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: POC18100
Number: 147
RTI

Date: 9-30-93
94-151-A
2 TRUMPET COURT

OK - VARIANCE - \$ 500
130th AMENDMENT - \$ 500
ASB - DIAN - \$ 350
TOTAL - \$ 1350

0140180253MICARD
EQ COLLEGE SANDS 30-93
Please Make Checks Payable To: Baltimore County

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 147
Petitioner: CEDARSIDE FARM JOINT VENTURE
Location: # 2 TRUMPET COURT
PLEASE FORWARD ADVERTISING BILL TO:
NAME: LANDCON, INC., PETTY CASH ACCT.
ADDRESS: 8743 R. MYLANDER LA.
BALTO. MD. 21204
PHONE NUMBER: 825-4200

AJ:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

OCTOBER 13, 1993

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-151-A (Item 147)
2 Trumpet Court
SW Corner of Drive and Trumpet Court
11th Election District - 5th Councilmanic
Petitioner/Legal Owner: CedarSide Farm Joint Venture
Petitioner/Contract Purchaser: Landcon, Inc.
HEARING: FRIDAY, NOVEMBER 12, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit a building to building distance of 16 feet in lieu of the required 30 foot distance for buildings heights of 25 feet to 30 feet.

Arnold Jablon
Arnold Jablon
Director

cc: CedarSide Farm Joint Venture
Richard E. Katz
Landcon, Inc.
Steven H. Rosen, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

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Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

November 2, 1993

Steven M. Rosen, Esquire
Abramhoff, Newberger & Linder
250 W. Pratt Street
Baltimore, Maryland 21201

RE: Case No. 94-151-A, Item No. 147
Petitioner: CedarSide Farm Joint Venture
Petition for Variance

Dear Mr. Rosen:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, including the Zoning Commission, attorney and/or the petitioner, are made aware of all problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby concerned zoning applicants who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration
O. James Lighthizer
Secretary
Hal Kassoff
Administrator

16-8-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTIMORE COUNTY
Item No. 147 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 15, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 147, 159 and 161.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*
Division Chief: *Carol K. Verno*
PK/JL:lw

ZAC.147/LZONE/ZAC1

Baltimore County Government
Department of Permits and Licenses
111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 18, 1993 (410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: MEETING OF OCTOBER 12, 1993

Property Owner: Maurice F. Boylan, Sr. and Lois M. Boylan
Location: #114 Northwood Drive
Item No.: #142 (JRF)

George F. Sabol, IV & Donna L. Sabol
#18007 Marshall Mill Road
#143 (RT)

George J. Wimmer and Susan M. Wimmer
#9405 Oak White Road
#144 (JCM)

Paul W. Rogers and Bonnie J. Rogers
#1653 Frenchs Avenue
#145 (JRA)

CedarSide Farm Joint Venture
#4 Symphony Woods Court
146 (RT)

CedarSide Farm Joint Venture
#2 Trumpet Court
147 (RT)

Howard B. Miller & Linda C. Miller
SW/S Greenspring Avenue Between Broadway and Kelley Avenues
+148 (WCR)

Peter P. Colabocki and Anna H. Colabocki
#9121 Cuckold Point Road
149 (RT)

Herbert P. Bush and Esther F. Bush
#4 Opie Road
150 (JLL)

Herbert R. Bush and Esther F. Bush
#6 Opie Road
151 (JLL)

Henry C. Stull and Helen A. Stull
#18 York Road

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COLBERT ENGINEERING, INC.
3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21206
PHONE: (410) 653-3636
FAX: (410) 653-7953

January 5, 1994

Baltimore County
Zoning Administration
& Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

ATTENTION: Timothy Kotroco
Deputy Zoning Commissioner

SUBJECT: 94-151-A (Item 147) 2 Trumpet Court

Dear Mr. Kotroco:

I received a call and fax today from Mr. Greg Sanford, #4 Trumpet Court, who was the concerned neighbor at the Zoning Hearing on November 12, 1993.

After several revisions to the house siting plan were discussed, Mr. Sanford is now satisfied with the attached plan's revision which is dated December 6, 1993. Mr. Sanford has sign a faxed version of the same plan which I have also attached for your records.

That plan shows a minimum separation of 18 feet between houses and a 10 foot setback from the right-of-way/property line.

The required variances are then as follows:

- 1) 1801.2 C.6 (V.B.3) CMDP to permit 27 feet in lieu of the required 30 feet for buildings between 25 feet and 30 feet in height, and
- 2) V.B.9 (CMDP) to permit 10 feet in lieu of the required 25 feet from an existing street right-of-way, and
- 3) V.B.6.a (CMDP) to permit 10 feet in lieu of the required 25 feet from a window to a street right-of-way, and
- 4) V.B.6.b (CMDP) to permit 10 feet in lieu of the required 25 feet from a window to a property line.

CIVIL ENGINEERS • LAND SURVEYORS

Baltimore County
Mr. Timothy Kotroco
January 5, 1994
Page -2-

If you have any further questions, please do not hesitate to call me.

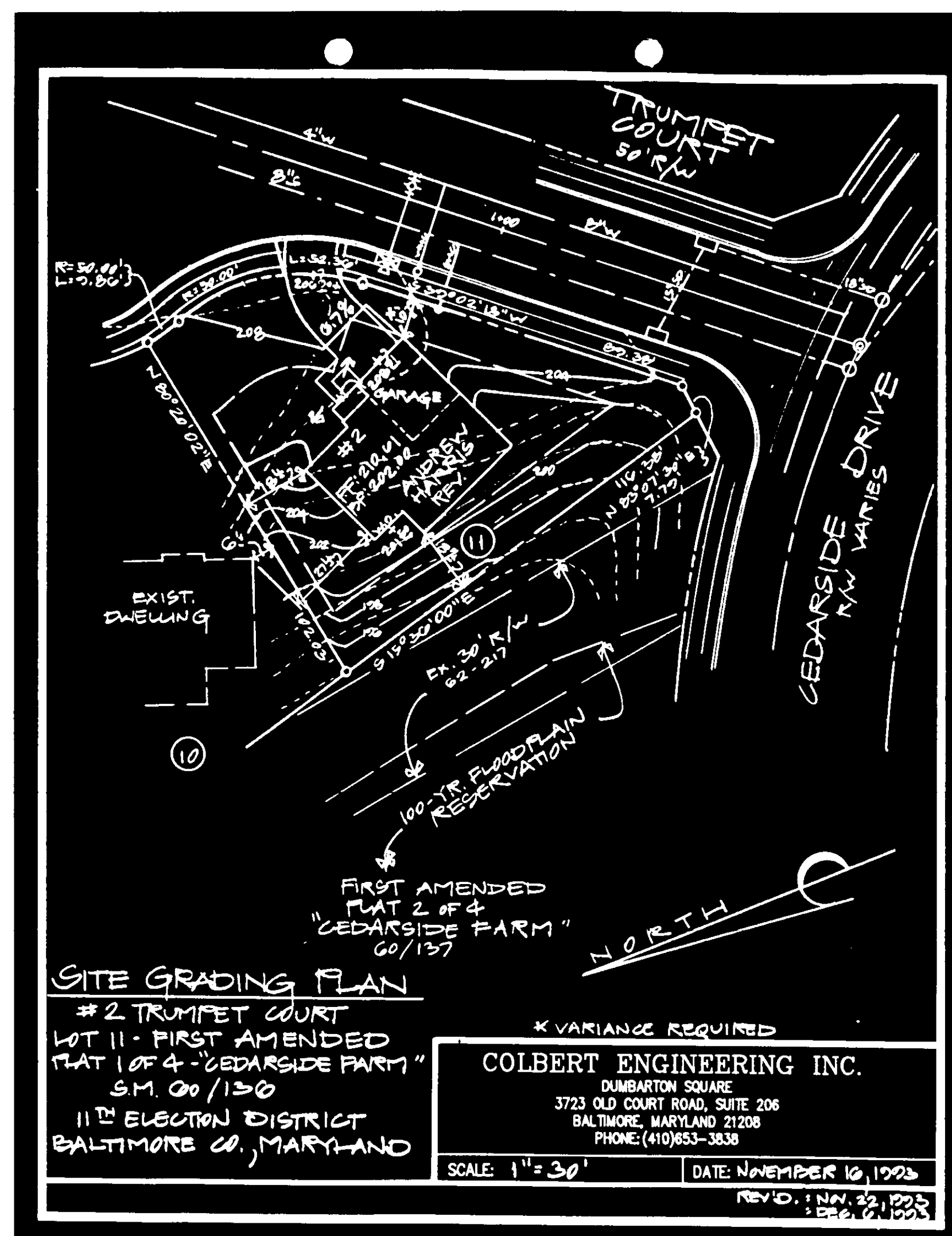
Very truly yours,

Richard E. Matz
Richard E. Matz, P.E.
Vice President

Enclosures

cc: Greg Sanford
Bobby Cantor
Randy Lotz

010594.kot



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #2 TRUMPET COURT
Subdivision name: CEDARSIDE FARM
Plot book: 62, Jones 186, lot # 11, section 9
OWNER: CEDARSIDE FARM JOINT VENTURE

see pages 8 & 9 of the CHECKLIST for additional required information

Petitioner's Exhibit 1

94-151-A

TRUMPET COURT 50' R/W 30' PAVING

LOT 10 LOT 11
FRONT EXISTING DWELLING FRONT PROPOSED

INDIA AVE BELLEFLORE FENN
100' R/W 100' R/W 100' R/W
JOPPA RD

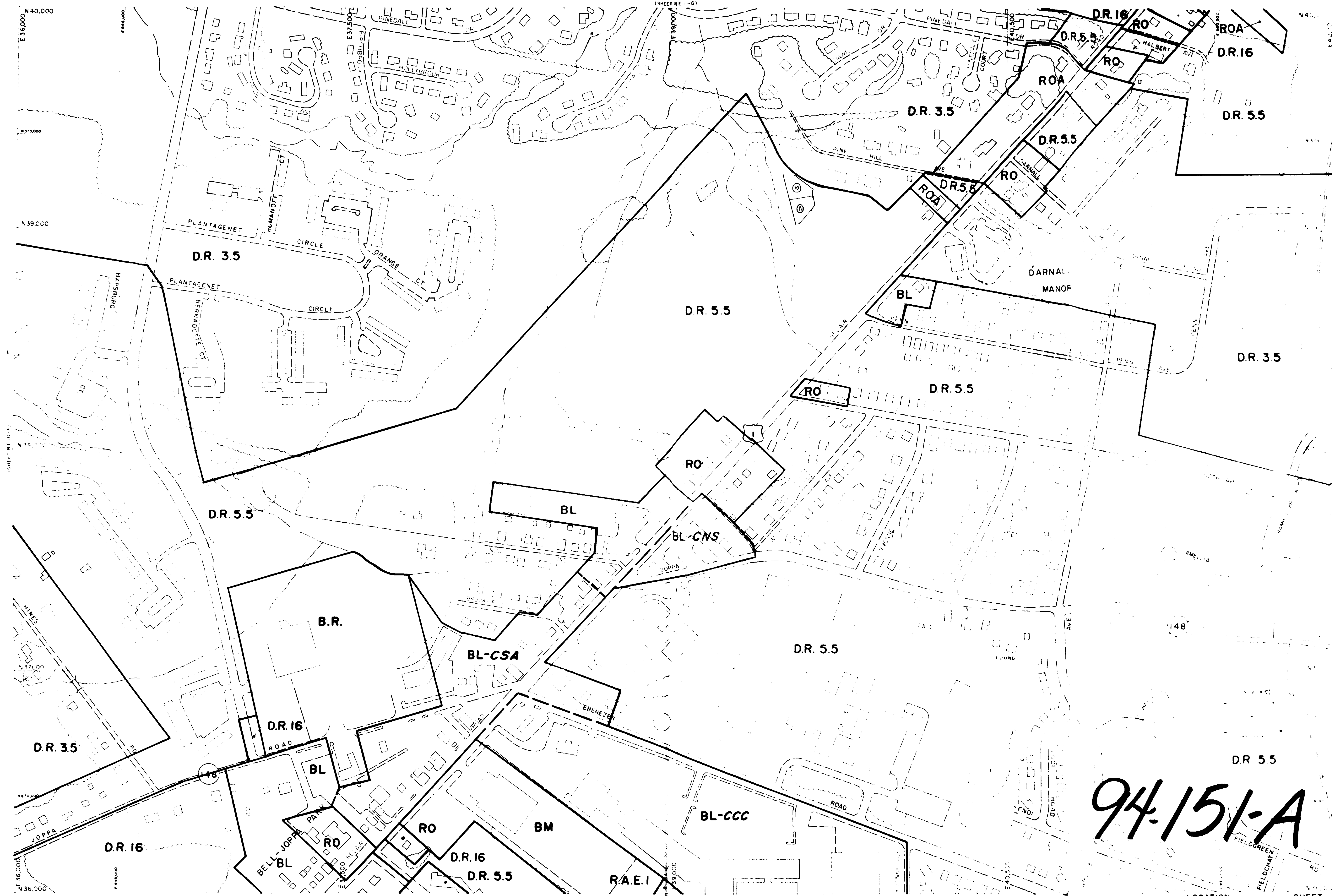
North

date: AUGUST 10, 1993
prepared by: COLBERT ENGINEERING, INC. Scale of Drawing: 1" = 30'

LOCATION INFORMATION
Councilman's District: 5th
Election District: 11th
1" = 200' scale map: NE 10 G
Zoning: DR 5.5
Lot size: 0.1876 8174.2 square feet

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#: 147



M - NW
Q - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS.
BY BUCHART-HORN, INC. BALTIMORE MD 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William D. Howard IV
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PERRY HALL
ITEM # 147
SHEET
NE
10-G

LOT 11 #2 TRUMPET COURT



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 26401

SCALE	LOCATION	SHEET	
1" = 200' ±		NE	LOT 11
DATE OF PHOTOGRAPHY JANUARY 1986	PERRY HALL ITEM # 147	10-G	# 2 "BOWMET COURT"